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From: CN=Carolyn Yale/OU=R9/O=USEPA/C=US
Sent: Thur 10/20/2011 9:32:38 PM
Subject: Re: Review of Appendix D -- BDCP toxins

OK, I touched a bit on the NEPA (and CEQA) issues of impact threshold in my earlier comments. EPA/ERO has been over this territory a lot-- I can check with ERO for any recent re-thinking. But my understanding is that an impairment is an impairment, even if it's in the baseline. In the case of some impairments there are responsibilities assigned to the agencies to address the problem in their actions.

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From: Karen Schwinn/R9/USEPA/US
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Date: 10/20/2011 02:22 PM
Subject: Re: Review of Appendix D -- BDCP toxins

It'd help the lead agencies (and us) to also say what more we need for NEPA and 404. I think they are assuming that those analyses will be LESS detailed, though they'll be looking at more alternatives.

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From: Erin Foresman
Sent: 10/20/2011 02:03 PM PDT
To: Carolyn Yale; Bruce Herbold; Karen Schwinn
Subject: Review of Appendix D -- BDCP toxins

Hi All,

I read through the toxins appendix for BDCP. My initial general thoughts on the document are bulleted below. I have questions about what kind of feedback they are looking to receive from us. This is clearly

focused on ESA and impacts to T & E species. It is not CWA focused but DWR would like this EIS to support a CWA 404 permit and 401 cert. Do we give them input about what information we need in the NEPA doc for CWA decisions?

I don't understand Table D-1 and/or the information and decision rules they used to create it.

Evaluation scope needs to extend beyond the legal Delta to acknowledge that many contaminants enter the Delta from upstream watersheds.

We need to somehow check the claim that quantitative analysis is not possible.

Conclusions are drawn from very little information. Selenium is a good example "Concentrations of selenium in the Sacramento River system are considered low, with the total amount of selenium transported dependent on the volume of flow. Decreased Sacramento River flows into the Delta as a result of the preliminary proposal are expected to result in minimal effects on selenium water concentrations in teh Delta." The same type of leaps are made in all sections. No information is provided but the conclusion is that operations and restoration will have no immediate effect or will have may an short term increase in loading (e.g., methylmercury) but a long term benefit so in the end impacts are expected to be minimal.

I don't know much about copper. Is there anyone at EPA we can get to look at that section? Section D.6.2 contains DWRs conclusions about toxics on fish. Bruce could you take a quick look at that part D-38-42.

Carolyn, have you read the se section? Any other sections?

Erin Foresman

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>